

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SHANNON ANDERSON SAEVIK,

Plaintiff,

v.

SWEDISH MEDICAL CENTER and  
REBECCA DAY, individually and as Clinic  
Operations Manager of its Organ Transplant  
and Live Center,

Defendants.

CASE NO. C19-1992-JCC

ORDER

This matter comes before the Court on Defendants’ motion for a protective order (Dkt. No. 41). Having considered the parties’ briefing and the relevant record, the Court hereby GRANTS in part and DENIES in part Defendants’ motion for the reasons described below.

Plaintiff is a former Swedish Medical Center (“Swedish”) employee. (Dkt. No. 1-3 at 2.) She contends that, after Swedish performed a corrective medical procedure on her, Plaintiff’s superiors at Swedish harassed her, violated her medical privacy, and unlawfully discharged her. (Dkt. No. 43 at 1–2.) Plaintiff filed a complaint naming Swedish and one of Plaintiff’s superiors. (Dkt. No 1-2.) Plaintiff alleges violations of Washington’s Law Against Discrimination (“WLAD”) and the Family Medical Leave Act (“FMLA”), a hostile work environment, retaliation, and a violation of public policy. (*Id.* at 5.) The parties have been unable to come to

1 terms on the scope of Plaintiff’s Rule 30(b)(6) deposition of a Swedish representative and, as a  
2 result, Defendants move for a protective order limiting the topics to be covered in the deposition.  
3 (Dkt. No. 41.) At issue are the following topics: #3 (hospital restructuring plans), #6 (hiring  
4 practices in the unit where Plaintiff worked), #9 (policies and practices regarding adherence to  
5 collective bargaining agreements), #12 (compliance investigations), and #19 (facts concerning  
6 the investigation of Plaintiff’s medical treatment performed by Swedish caregivers). (Dkt. Nos.  
7 41, 46; *see* Dkt. No. 48-1 at 3–4.)

8       If a party believes that a Rule 30(b)(6) subpoena or notice is improper, it may move for a  
9 protective order. Fed. R. Civ. P. 26(c)(1). Swedish does so, seeking a protective order limiting  
10 the scope of topic 12 and barring questions regarding topics 3, 6, 9, and 19. (Dkt. No. 41 at 10.)  
11 A Rule 30(b)(6) deposition notice must “describe with reasonable particularity the matters for  
12 examination.” Fed. R. Civ. P. 30(b)(6). In addition, the topics described must be “relevant” and  
13 “proportional.” *Buie v. District of Columbia*, 327 F.R.D. 1, 9 n.3 (D.D.C. 2018) (distinguishing  
14 between Rule 30(b)(6)’s reasonable particularity requirement and Rule 26’s requirements).  
15 Relevant information is “any matter that bears on, or that reasonably could lead to other matter  
16 that could bear on, any issue that is or may be in the case.” *Oppenheimer Fund, Inc. v. Sanders*,  
17 437 U.S. 340, 351 (1978). Proportionality is a matter of “the importance of the issues at stake in  
18 the action, the amount in controversy, the parties’ relative access to relevant information, the  
19 parties’ resources, the importance of the discovery in resolving the issues, and whether the  
20 burden or expense of the proposed discovery outweighs its likely benefit.” Fed. R. Civ. P.  
21 26(b)(1). The party seeking a protective order bears the burden of showing that there is good  
22 cause for the court to issue the order. *In re Roman Catholic Archbishop of Portland*, 661 F.3d  
23 417, 424 (9th Cir. 2011).

24       Defendants first argue that topics 3, 6, and 9 seek irrelevant information. (Dkt. No. 41 at  
25 7–8.) However, as Plaintiff points out, topics 3 and 6, addressing Swedish’s restructuring plans  
26 and its hiring practices, are relevant because, at the time of Swedish’s allegedly unlawful

1 treatment of Plaintiff, it “was entering a period in which restructuring and operational changes  
2 were proposed” and “[i]t is a question for the jury whether new plan implementations motivated  
3 [Plaintiff’s superiors] to disallow [her accommodation requests] during her period of [] recovery  
4 . . . .” (Dkt. No. 46 at 5.) To the extent that Swedish’s restructuring plans and hiring practices  
5 impacted Plaintiff’s working conditions, the Court agrees that this information is relevant.  
6 Nevertheless, the topic as noticed is overbroad. The temporal scope of topics 3 and 6 should be  
7 limited to plans and practices developed and/or implemented between March 1, 2017 and  
8 September 5, 2019, as these are the dates relevant to Plaintiff’s allegations. (*See* Dkt. No. 1-3 at  
9 2–4.)

10 The Court does agree, though, with Defendants that topic 9, adherence to collective  
11 bargaining agreements, is irrelevant. There is no need for Swedish’s Rule 30(b)(6) deponent to  
12 address questions regarding the issue because Plaintiff’s state law claims, if predicated on  
13 violations of Swedish’s collective bargaining agreement, are preempted by the Labor  
14 Management Relations Act. *See Allis-Chalmers Corp. v. Lueck*, 471 U.S. 202, 212 (1985).

15 Defendants next argue that topic 12 is overly broad, unduly burdensome, and not stated  
16 with reasonable particularity. (Dkt. No. 41 at 8–9.) By not providing a temporal limitation or  
17 specificity regarding which compliance policies or underlying facts Plaintiff seeks information  
18 on, Defendants argue that, as noticed, they would be forced to prepare the Rule 30(b)(6)  
19 deponent to speak to investigations into (a) *any* policy violation (b) at more than 100 clinics (c)  
20 over an indefinite period of time, which is an unnecessary burden. (Dkt. No. 41 at 9.) The Court  
21 agrees that the topic as noticed is temporally and substantively overbroad and unduly  
22 burdensome.

23 Rather than attempt to narrow topic 12 on its own, the Court DIRECTS the parties to  
24 meet and confer and, if unable to come to terms on the issue, submit proposed versions to the  
25 Court of topic 12, narrowed in time and subject matter, no later than June 21, 2021. The Court  
26 will then provide an expedited ruling on the matter. Respective proposals shall take the form of a

1 letter brief<sup>1</sup> not to exceed one page.<sup>2</sup> The letter briefs must contain, besides the parties' proposed  
2 temporal and substantive limitations, a certification that each party has met and conferred in a  
3 good-faith attempt to resolve the issue. Argument may also be included in the letter brief, but  
4 only to the extent it can be accommodated within the one-page limit.

5 Finally, Defendants argue that topic 19 is not stated with reasonable particularity and  
6 seeks irrelevant information. (Dkt. No. 41 at 9–10.) Specifically, Defendants suggest that internal  
7 investigations regarding the accuracy and validity of the medical treatment performed on  
8 Plaintiff at Swedish would be irrelevant because Plaintiff does not bring a medical malpractice  
9 claim against Swedish and, in fact, there was no investigation by Swedish employees into  
10 Plaintiff's medical treatment. (*Id.* at 10.) But whether an investigation occurred and the nature of  
11 such an investigation is a disputed fact. Plaintiff alleges that her superiors at Swedish sought out  
12 details regarding her medical procedures. (Dkt. No. 46 at 6–7.) Topic 19 speaks to what  
13 investigations took place, the propriety of those investigations, and the propriety of Swedish's  
14 response to those investigations. Therefore, topic 19 is relevant to Plaintiff's claims, regardless  
15 of whether they include a claim for medical malpractice. Nor does the Court view the topic, as  
16 noticed, to be overbroad. (*See* Dkt. No. 48-1 at 4 (seeking information on "[a]ny and all facts  
17 leading up to, concerning, and/or surrounding any investigation of the accuracy and validity of  
18 Plaintiff[s] . . . medical treatment performed by Swedish hospital caregivers").)

19 For the foregoing reasons, the Court GRANTS in part and DENIES in part Defendants'  
20 motion for a protective order (Dkt. No. 41). Topic 19 is permissible as noticed. Topic 9 is barred  
21 as irrelevant. The remaining topics are relevant but require scope limitations. For topics 3 and 6,  
22 the temporal limitations described above must be applied. For topic 12, the parties must meet and  
23 confer regarding proposed scope limitations and if they cannot reach an agreement, they may  
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25 <sup>1</sup> The brief must comply with the format requirements described in Local Civil Rule 10.

26 <sup>2</sup> The one-page limit applies to the entire document, inclusive of captions and signature  
blocks but exclusive of certifications of service.

1 seek an expedited ruling from the Court regarding their proposals.

2 DATED this 14th day of June 2021.

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6 John C. Coughenour  
7 UNITED STATES DISTRICT JUDGE  
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